

PROCEEDINGS

AT THE

ADMIRALTY SESSION,

ON

SATURDAY, MARCH 30, 1782.

[Price ONE SHILLING.]

PROCEEDINGS

OF THE

ADmirALTY



PROCEEDINGS

IN THE

High Court of Admiralty,

HELD AT

JUSTICE-HALL, in the OLD-BAILEY,

On SATURDAY, MARCH 30, 1782.

BEFORE

SIR JAMES MARRIOTT, KNT.

JUDGE of the ADMIRALTY-COURT,

SIR WILLIAM ASHHURST, KNT.

One of the JUDGES of his MAJESTY'S COURT of
KING'S-BENCH, &c. &c.

By FRANCIS VINCENT, of Gray's-Inn, Esq;

L O N D O N :

Printed for JOHN FIELDING, (No. 23,) PATER-
NOSTER-ROW; J. SEWELL, CORNHILL; and
J. DEBRETT, PICCADILLY.

MDCCCLXXXII.

[Entered at Stationers Hall.]



Admiralty Sessions,

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SIR JAMES MARRIOTT, KNIGHT,
JUDGE OF THE ADMIRALTY COURT;

Sir W. H. ASHURST, KNIGHT,
One of the Judges of his Majesty's Court of KING'S
BENCH, &c.

AT half past nine the Judges, attended by the Doctors, Advocates, Proctors, &c. came into Court, preceded by an officer carrying the King's commission for holding the same, and another Officer carrying the silver oar.

Silence being proclaimed, his Majesty's commission was read, empowering certain commissioners therein named, to try all crimes therein specified, committed upon the high seas, and within the Admiralty jurisdiction.

The Grand Jury were now called, when the following jurors answered to their names, and were sworn in the usual form, viz.

A

THO.

THOMAS HARRISON, FOREMAN.

ROBERT HAINES,
WILLIAM HOLLAND,
PERROT FENTON,
THOMAS PATRICK,
TRUE JAGON,
SAMUEL WITFORD,
GEORGE RAVENHILL,
JOHN BAILEY,
GEORGE BEAUCHAMP,
THOMAS TUCKY,
WILLIAM KIRBY,
JOHN NEACHER,
TIPPING RIGBY,
JOHN SMITH,
THOMAS SILK,
NICHOLAS BAKER,
JOHN CLOCE,
WILLIAM FREANCH,
JOHN LEWIS,
JAMES GRIFFITH,
PHILIP BELL.

Sir JAMES MARRIOTT, in his charge to the Grand Jury, informed them, that his Majesty's commission, which had been just read, by virtue of an Act of Parliament, gave power to a Grand Jury to examine into, and to a Petty Jury of London to try and determine upon, all offences committed on the high seas. He stated, that the form of trial by which that Court proceeded, was exactly the same in all its essential parts, as the ordinary form of trial at common law; but

but the law itself, upon which the prisoners were to be tried, would be the law maritime. The law maritime, he observed, was a mixed law, partly composed of the civil law, and partly of the laws called the laws of Oleron, a code which was formed in the reign of Richard the First, for regulating maritime affairs, both of which laws were permitted to have force in this country, and were therefore part of the law of the land.

The persons whose crimes would come under their judgment, he said, would be principally men, who being natural-born subjects of his Majesty, had taken commissions under the French King, and who had, in defiance of that allegiance which they owed to his Majesty, and that duty which they owed to their country, acted hostilely under such Commissions.

He would not, he said, detain them with any detail of the enormity of the offences those persons were charged with having committed; but depending upon their integrity and wisdom, would trust to their judgments on inquiring for their country into the probable guilt or innocence of those who should come before them charged upon indictment.

The Grand Jury having withdrawn, LUKE RYAN and THOMAS COPPINGER were ordered to be brought up. Those two persons had been indicted, and bills found against them on the former Admiralty session, but on arraignment Luke Ryan informing the Court, by counsel, that he was a native of Gravelin in France; and not a native of Ireland, as was stated in the indictment, the

Court, with that humanity which distinguishes an English Court of Justice, put off his trial to the present session, to give him an opportunity to procure witnesses from France, to prove the fact of his being a French subject.

THOMAS COPPINGER at the same session urged to bring his trial on, but this was objected to by his Majesty's Counsel, from an apprehension that as he and RYAN were involved in the same indictments, by trying the former the evidence for the Crown would be disclosed.

The prisoners being brought to the bar, the names of the Jurors were read over, and the following gentlemen answered.

J U R Y.

JOHN WILLES,
JOSEPH ROSE,
JOHN JACOB,
CHARLES WILKINS,
SYLVANUS HALL,
JOHN HALE,
THOMAS ISHERWOOD,
DANIEL PINDAR,
WILLIAM HALLIER,
MARK JEFFERSON,
WILLIAM SLAINES,
JOHN ROWE.

The Clerk, previous to the swearing of the Jury, informed the prisoners that if they had any objection
to

to any of the Jury, the time to make their challenges was as the Jurors came to the book to be sworn.

No challenge was made.

There were twenty-three witnesses for the prosecution on the back of the indictment, whose names were read over, and they were ordered out of Court, for the purpose of being examined apart.

MR. RUNNINGTON opened the indictment on the part of the prosecution, stating that it charged the prisoners Luke Ryan and Thomas Coppinger with having feloniously, &c. on the King's high seas, &c. taking two brigs, the Nancy and Betty, the property of his Majesty's subjects, &c. they acting under a commission of the French King, now at war with this country, &c. and they being natural-born subjects, &c.

DR. WYNNE, the King's Advocate General of the Admiralty, stated the case to the Jury, in which he went through a detail of the facts to be produced in evidence, on behalf of the crown, against the prisoners; expatiated upon the heinousness of their offence, and informed the Jury, that the crime upon which the prisoners stood charged was capital by stat. 8. of George I. chap. 24, which, among other things, enacts, "that persons forcibly boarding any merchant vessel, though without seizing or carrying her off, shall be deemed pirates; and all accessaries shall be deemed principals, &c."

JOHN

JOHN RAMSEY examined by Mr. Attorney
General.

Q. What is your employment?

A. I am a Captain in the coasting trade.

Q. What vessel do you command, and was she captured at any time?

A. I command the Nancy, of Aberdeen, and she was captured in April last.

Q. By what vessel was your vessel captured?

A. By the Cologne privateer, commanded by Captain Ryan from Dunkirk.

Q. Where were you bound to?

A. I was on my voyage from Aberdeen to Newcastle. On first seeing her we made in shore; the pirate got in my wake; I still made in shore; but the Cologne making better way, came up with me.

Q. What was done then?

A. They haled me; at first I did not understand their haling, upon which they sent their boat on board, dammed me for an English bugger, and swore they would fire into me. They were at this time under my quarter.

Q. What force had the Cologne?

A. She mounted thirty-two guns.

Q. What did you after the Cologne's boat boarded you?

A. I went on board the Cologne.

Q. Did you see either of the prisoners there?

A. I saw Captain Ryan.

Q. Did he tell you he was Captain of the Cologne?

A. No

A. No, he did not tell me his name, nor the name of the vessel.

Q. Had you any conversation with Ryan about the ransom of your vessel, and what?

A. We had a great deal of conversation about it: he asked six hundred guineas to ransom her, but at last we agreed for three hundred.

(Here a ransom bill was produced.)

Q. Did you see him sign the ransom bill?

A. I did.

Q. Is this the ransom bill you saw him sign?

A. That is the bill.

ANTHONY MORET, an Interpreter,

being sworn, translated the ransom bill into English, which translation was read by the Clerk, and appeared to be a bill for ransoming the ship Nancy, of Aberdeen, 70 tons burthen, laden with nine chests of tea, &c. commanded by John Ramsay, captured by the Cologne, of Dunkirk, Captain Luke Ryan, for 300 guineas, 200 guineas for cargo, 100 guineas for vessel; John Ramsey to remain as hostage for the payment, and was dated the 16th April, 1781.

JOHN RAMSEY again examined.

Q. How long were you settling about the ransom.

A. It was four hours before we came to a settlement.

Q. What course did you steer while on board the Cologne?

A. I

A. I do not know what course. I was below.

Q. How long were you on board?

A. I was on board from nine in the evening, till five next morning, when the Cologne struck to two King's ships.

Q. What ships were they?

A. The Belle Poule and Berwick.

Q. What ship were you taken on board?

A. I went on board the Belle Poule.

Q. Was Ryan taken on board the Belle Poule?

A. Yes.

Q. Did you hear any conversation, and what, relative to Ryan's Country?

A. An Irish Officer on board the Belle Poule, who, I believe, was a Captain of Marines, said, when we came on board, "That Ryan, I believe, is a countryman of mine."

Q. Did you hear any conversation between them?

A. The Officer asked Ryan from what place he came, and he answered, from a place in Ireland, but I cannot remember the name of the place.

Q. You do not remember the name of the place?

A. No, but I remember he said it was in Ireland, ten or twelve miles from Dublin.

Q. You are clear he said ten or twelve miles from Dublin?

A. I am.

Q. Did you see Coppinger on board the Cologne?

A. I did.

Q. Was he an Officer?

A. I saw him on board, but cannot say whether he was an Officer or not.

CROSS

CROSS EXAMINATION by Mr. PECKHAM.

Q. You saw him write his name, you say ?

A. I did.

Q. Spell that name.

[*Here the Counsel produced the ransom-bill, and it appeared that Ryan's Christian name was spelt Luce.*]

Q. Is that the way you spell Luke ?

A. No ; but I suppose it is the French way of spelling it.

Q. Did you hear Ryan say that his parents were Irish ?

A. No ; but I heard him say that himself was Irish.

COUNSEL. The truth is, Mr. Ryan never spoke of any country before he was taken ; but finding there were Irish on board the Belle Poule, he might probably have called himself Irish, in order to obtain good usage.

WILLIAM BISHOP. Examined by
the Solicitor-General.

Q. Do you know either of the prisoners ?

A. Yes, Sir, I know Luke Ryan.

Q. How long do you know him ?

A. I know him from his childhood.

Q. Did you know his father ?

A. I cannot say ; I knew the man who was reputed to be his father.

B

Q. Re-

Q. Remember, you are on your oath. Give your testimony like an honest man. I ask you, did you know his father?

A. I know I am on my oath, and I cannot say more on my oath than that I knew the man who was reputed to be his father.

Q. What was his name?

A. Michael Ryan.

Q. Where did Michael Ryan live?

A. At a place called Kennure, about thirteen miles from Dublin.

Q. How old was Luke Ryan when you knew him first?

A. He was about two months old, and was sucking at the breast.

Q. What name was he called?

A. I have heard him called Luke by his mother.

Q. Have you not often seen him when he grew up?

A. Yes, I have often seen him going to school at Hacketstown.

Q. Did you ever see him after he left the house of his father?

A. Yes, I saw him when he was apprentice to Harry King, a boat-builder at Rings-End.

Q. Did you ever see him after at any other place?

A. Yes, I saw him at the town of Skerries.

Q. Did you often see his mother?

A. Yes, I saw her very often.

Q. Did you ever see her when she was with child of the prisoner?

A. I

A. I often saw her when she was with child of the boy who was called Luke.

Q. Are his father and mother alive?

A. His mother is living, his father is dead.

Q. Did his mother marry after the death of his father?

A. Yes, she soon after married one Sweetman, who was servant to his father.

Q. Where did Sweetman live?

A. He lived at Skerries.

Q. Did you ever see the prisoner at Sweetman's?

A. Yes, I often saw him there.

JOHN STEER. Examined by the Solicitor-General.

Q. Do you live in Ireland?

A. Yes.

Q. Do you know Luke Ryan?

A. Yes.

Q. How long have you known him?

A. I have known him ten years.

Q. Did you know his father?

A. I knew his father thirty-nine years ago.

Q. Where did he live?

A. He lived at Kennure.

Q. Was Kennure his constant place of residence?

A. Yes.

Q. Did you ever know Michael Ryan to go out of the kingdom? Was he a traveller?

B 2

A. I

A. I never heard of his being a traveller, nor of his going out of the kingdom.

Q. Do you know how long Michael Ryan has been dead?

A. He has been dead three and twenty years.

Q. Did his widow marry?

A. Yes, she married one Sweetman, and lived with him at Skerries.

Q. How long have you known the mother of Luke Ryan?

A. I have known her thirty-six years.

Q. Have you ever seen Luke Ryan at Skerries?

A. No, I never saw him at Skerries, but have seen children playing about Sweetman's door, and suppose him to have been one of them.

Q. Where did you first see him?

A. I first saw him at Rush, about ten years ago.

Q. Whose son did you take him to be?

A. He was always considered to be the son of Michael and Mary Ryan.

Q. What business did Michael Ryan follow?

A. He was a farmer.

Q. What business did Luke Ryan follow?

A. He was said to be a smuggler.

Q. You mean that he followed a seafaring life?

A. I do.

CROSS EXAMINATION by Mr. PECKHAM.

Q. You say you never saw Luke Ryan at Sweetman's?

A. Never,

A. Never, to my knowledge.

Q. Where did you first see him?

A. I saw him first at Rush, about nine or ten years ago.

Q. Did you ever see his mother at Rush?

A. No, I never did.

Q. Do you take upon you to say, that Luke Ryan was one of the children you saw playing about Sweetman's door?

A. No, I do not; I only suppose he was one of them.

THOMAS GRIFFIN, Examined by the
Attorney-General.

Q. How long have you known Ryan?

A. About twenty years.

Q. What age was he when you first knew him?

A. When I knew him first he was a small boy, I knew him by frequently passing by his father's house in Ireland, where I saw him.

Q. When did you last see him?

A. About eight years ago, at Skerries.

Q. Are you sure that the boy you saw, by passing his father's door, is the person you saw at Skerries?

A. I am sure he is the same person I saw eight years hence.

Q. You are sure you saw him about eight years ago in Skerries? Do you know his employment?

A. I do not, but I believe he was a mariner.

Q. What name did he go by?

A. He was called Luke Ryan.

CROSS

CROSS EXAMINATION by Mr. MORGAN.

Q. How often have you seen the prisoner Ryan?

A. Several times.

Q. Where have you particularly seen him?

A. At Sweetman's; I have seen him there several times.

Q. How long since you saw him last?

A. Eight years.

Q. Where did you then see him?

A. At Skerries.

MICHAEL BISHOP. Examined by Dr.
Harris.

Q. Do you know the prisoner?

A. Yes, I know Luke Ryan.

Q. Where did you first know him?

A. I knew him first at Hacketstown. I went to school with him there.

Q. Did you know his father?

A. I did not.

Q. Did you know his mother?

A. I knew his supposed mother.

Q. What name did his supposed mother go by?

A. She went by the name of Mary Taylor.

CROSS EXAMINATION by Mr. PECKHAM.

Q. Did you ever know his supposed mother to go by any other name than Mary Taylor?

A. I

A. I never did ; it was the name she always went by.

Q. Is there not a trade carried on from Rush to Dunkirk ?

A. There is a smuggling trade.

BARTHOLOMEW GRIFFIN. Examined by
the Solicitor-General.

Q. Have you ever seen Luke Ryan ?

A. Often.

Q. Where did you first see him ?

A. I went to school with him at Hacketstown.

Q. How long ago ?

A. It was in the year 1757, or 1758.

Q. How long were you at school with him ?

A. About three years.

Q. Have you ever seen him since you quitted school ?

A. I have often seen him since.

Q. Have you ever heard that he was born in France ?

Mr. PECKHAM objected to this question, and appealed to the judgment of the Court.

The Attorney and Solicitor General insisted they had a right to examine to the repute of his birth.

Mr. PECKHAM answered, that he admitted in civil cases, where the fact to be known was of a very old date, it was permitted to examine to repute ; but this was not a fact of a very old standing, and it was in a criminal case.

The

The Counsel for the prosecution waved pressing their claims, and Mr. Solicitor-General went on with his examination.

Q. Did you know Luke Ryan's father?

A. I did not.

Q. Did you know his mother?

A. How could I? I was not at his birth.

Q. Answer fair, Sir, you are upon your oath. Did you know the woman reputed to be his mother?

A. I have seen the woman reputed to be his mother.

Q. Where did you see her?

A. I saw her once at a chapel at Hacketstown.

Q. Did you never see her but once?

A. Never.

Q. How long is that ago?

A. It is twenty-three years ago.

Q. And did you never see her since?

A. Never. I have not been at Hacketstown since 1761.

Q. Did she never go to the school to see her son?

A. I never saw her there.

CROSS EXAMINATION by Mr. PECKHAM.

Q. How old were you when at school?

A. I was about ten years old.

ANTHONY ECHLIN. Examined by the Attorney-General.

Q. Do you know the prisoner, Luke Ryan?

A. Yes.

Q. How

Q. How long have you known him?

A. I knew him since he was seven or eight years old.

Q. Where did you know him first?

A. At his *reputed* father's, Michael Ryan's.

ATTORNEY GENERAL. You are *cautious* in your country how you give evidence I see.

Q. What name did his mother go by?

A. His *reputed* mother went by the name of Mary Ryan.

Q. What name did she go by before marriage?

A. She was called Mary Taylor.

Q. What business was old Ryan?

A. He was a farmer.

Q. Did you ever hear of his widow marrying.

A. Yes, she married Robin Sweetman, who had been her servant.

Q. Did you ever go to school with Luke Ryan.

A. I went to school with him for four years.

Q. How long since you saw him last?

A. Three years.

Q. Where did you see him then?

A. At his mother's in Skerries.

Q. Did you ever know him an apprentice?

A. I knew him apprentice to one King, a boat-builder.

Q. Did he follow that business?

A. I never knew him to follow it.

Q. What business did he follow?

A. I always took him to be a smuggler.

C

Q. You

Q. You need say nothing of that. Did you know him to be a mariner?

A. I knew he followed the sea.

Q. Can you tell how long it is since he left Ireland?

A. He left Ireland about three years ago.

Q. Do you know what business he has followed since?

A. I know nothing about him since he left Ireland.

Q. How old do you take him to be?

A. About twenty-nine years.

CROSS EXAMINATION by Mr. PECKHAM.

Q. How old were you when you first went to school?

A. I was about seven years of age.

Q. What! Were you no more than seven?

A. I believe not.

Q. How old are you now?

A. I believe about twenty-nine.

Q. Where have you lived ever since you left school?

A. I have lived within a mile of where I went to school till within this half year.

Q. What business do you follow?

A. I follow no business.

Q. No! Pray, now, do you not get your bread as an informer to revenue officers?

A. No, I do not.

Captain

Captain PATTEN. Examined by Mr. Attorney General.

Q. Captain Patten, do you know either of the prisoners at the bar?

A. I know Luke Ryan.

Q. Do you, Sir, belong to one of his Majesty's ships?

A. I belong to the Belle Poule.

Q. By what means did you come to know Luke Ryan?

A. By his coming a prisoner on board the Belle Poule.

Q. When he came on board did he deliver any thing to you? Any paper?

A. Yes, he delivered a French commission.

Q. Look at this commission, is the affidavit annexed to it yours and signed by you.

A. It is my affidavit signed by me.

[*Here the interpreter was sworn. He read the commission in English, which appeared to be a commission from the Admiralty of the French King, appointing Luke Ryan, commander of the Cologne.*]

CROSS EXAMINATION by Mr. PECKHAM.

Q. Pray, Sir, did Mr. Ryan tell you that he was an Irishman?

A. He did not, Sir.

Lieutenant SAMUEL O'BURNE. Examined
by the Solicitor-General.

Q. Do you, Sir, belong to the Belle Poule?

A. I hold a commission in the corps of marines that serve on board her.

Q. Do you know either of the prisoners to have been on board the Belle Poule?

A. I remember Luke Ryan, who was Captain of the Cologne, a French privateer.

Q. What countryman are you, Sir?

A. I have the honour to be an Irishman.

Q. Did you ask Ryan any questions on his coming on board?

A. I asked him if he was a countryman of mine? He answered that he was. I asked him why he left his country? He answered, because his countrymen had not used him well, he went over to France.

Q. Did he tell you, Sir, where he was born?

A. He mentioned no particular place that I recollect, but said he had been bred bordering upon Dublin.

Mr. JOHN O'BRIEN, Purser to the Belle Poule. Examined by the Attorney-General.

Q. Do you know the prisoners, Sir?

A. I know Ryan, whom I saw a prisoner on board the Belle Poule. I was told in the ship that he was my countryman, and went to the place he had been put into, to see him. Some person said,
This

This is your countryman ; upon which, Ryan asked me what part of Ireland I came from, and I answered Corke ; I then asked him what part of the country he came from, and he answered from Dublin.

Q. What more passed ?

A. I said I was sorry to see an Irishman in so bad a cause, and asked him why he took up arms against his country ; to which he answered, that he had been ill used in Ireland, where his property had been taken from him. I asked him, if that had been the case, why not seek redress by law ? He answered, there was no redress at law for a poor man.

Q. Did he say how long he had been from Ireland ?

A. He said he had left it five or six years.

CROSS EXAMINATION by Mr. PECKHAM.

Q. Did Ryan tell you, Sir, how long he had been in France ?

A. He said he had been there five or six years.

Q. Did he not say he was a burgher of Dunkirk ?

A. I did not hear him say so.

Q. Did he not say he was the son of a Captain Ryan, in Dillon's regiment ?

A. He did not say so to me, to my knowledge.

Captain CAMPBELL. Examined by the Solicitor-General.

Q. Do you know the prisoners ?

A. I

A. I know Ryan. I am an Officer belonging to the Berwick.

Q. Did you ever hear him declare what countryman he was ?

A. At the Castle of Edinburgh I heard some Officers, of the 25th regiment, ask Ryan what part of Ireland he came from, and he told them he came from near Dublin. I also remember a conversation between Mr. Hunter and Ryan, after we had boarded the Cologne; Mr. Hunter observed to him, You speak too good English to be a Frenchman.

Q. What answer did Ryan make ?

A. I do not recollect.

Q. Did you see the other prisoner Coppinger on board ?

A. I cannot be certain as to Coppinger, but am positive to Ryan.

Captain J. HUNTER. Examined by the Attorney-General.

Q. Do you know either or both of the prisoners ?

A. I know only Ryan ?

Q. Had you any Conversation with him relative to his Country ?

A. He told me on our boarding the Cologne, that he was the Captain ; and on my observing that he spoke too good English to be a Frenchman, he answered he was not a Frenchman but an American ?

SAMUEL

SAMUEL HARROW. Examined by the Solicitor-General.

Q. What are you?

A. I am a mariner on board the Berwick.

Q. Do you know the Prisoners?

A. I know Coppinger.

Q. Do you know what countryman he is?

A. I do not. I saw him on board the Cologne when she struck, and was one of those who landed him as a prisoner at Leith.

NATHANIEL WOOD. Examined by the Attorney-General.

Q. What are you?

A. I am pilot on board the Berwick.

Q. Do you know Coppinger?

A. I do not.

Mr. FIELDING, (Counsel for Coppinger.) As nothing has been proved against Coppinger but his merely being on board the privateer, without it's having been shewn that he had seen the French commission, it does not appear that he acted under it's influence. He might have been a passenger, or compelled to go on board.

Mr. ATTORNEY-GENERAL. Every person on board are involved in the guilt of those who acted under the influence of the French commission. The evidence certainly is not so strong against Coppinger as against Ryan; but the evidence of his
having

having been on board is *prima facie* evidence against him, and to remove it he must shew how he came on board.

Mr. JUSTICE ASHHURST. It would be too bold a doctrine to say, that only the Captain of a privateer, fighting against his country, should be guilty, and the Lieutenant innocent. All persons acting under the commission are guilty.

OSBORNE RICHARDSON. Examined by the Solicitor-General.

Q. Do you know the prisoners?

A. I know Coppinger.

Q. What countryman is he?

A. I do not know. I knew his father in Ireland, at a place called Dingle Slough.

Q. What profession was he?

A. He was Master of a vessel which was wrecked.

Q. Did you know this Captain to be the prisoner's father?

A. No, but I knew a man at Dingle, who told me that he was Coppinger's father.

Here the Counsel on the part of the Crown rested the evidence in support of the prosecution; upon which the Judge called upon Ryan to know if he would make his defence himself, or leave it to his Counsel.

Ryan answered that he left it to his Counsel.

The

The PRISONER RYAN's Defence.

HUBERT CULLEN. Examined by Mr. Peckham.

Q. Where do you live?

A. At Dunkirk.

Q. What are you?

A. I served in the Berwick regiment, one of the Irish brigades, for twenty-eight years.

Q. In what rank?

A. As serjeant of grenadiers.

Q. How long have you left the service?

A. Eight years.

Q. Have you received any mark of honour or reward from the Crown you served?

A. Yes, I have a pension from the French Crown.

Q. Are you a married man, and have any children?

A. I am married, and have four children.

Q. Where were your children christened?

A. At Gravelin.

Q. Was the regiment of Dillon quartered at Gravelin at that time?

A. It was there twice when I was there.

Q. Who christened your children?

A. One Mackay was the Clergyman.

Q. Did you know Joseph Ryan, who was a Lieutenant in the regiment of Dillon?

A. I knew him very well.

Q. Was he married, and to whom.

A. He was married to Elinor Taffe.

D

Q. Had

Q. Had he any children?

A. He had one child, who from every appearance, I believe to have been a boy.

Q. Was there another officer in Dillon's regiment named Ryan?

A. Yes, there was Mr. James Ryan, who was Captain in the same regiment.

Q. How long did Joseph Ryan live after the birth of his son?

A. He died five or six weeks after the birth of his son.

Q. Have you searched the register at Gravelin for the register of the birth of that child?

A. I have, here is the copy.

[The witness here produced a copy from the register.]

CROSS-EXAMINATION by the Attorney-General.

Q. Do they keep registers of christenings in France?

A. They do.

Q. Who had you this copy from?

A. I had it from the curate at Gravelin.

Q. Did you see it compared with the original?

A. I did.

Q. Who was present?

A. The curate and bailiff of the town.

Q. Were you present when it was transcribed?

A. I was.

Q. What was it transcribed from?

A. From the church book.

Q. Did

Q. Did it fill a leaf of the book?

A. It did.

Q. What size was the book?

A. It was as large as that book (*pointing to a law folio.*)

Q. Did you go from Dunkirk to Gravelin to examine the register?

A. I did.

Q. Was it not Monsieur Toree, owner of the Cologne privateer, who sent you?

A. It was.

Q. This register, I suppose, was read to you?

A. It was.

Q. Then you did not read it and compare it yourself?

A. Yes I did.

Q. Can you read French?

A. But badly.

Q. O! come try.

(*Here the witness read the copy of the register in French, and read it extremely well.*)

Q. Is it customary to put all these names to registers in France.

A. It is: they generally enter the names of the godfathers and godmothers, and of all the near relations.

The signature of the bailiff of the town not being to the certificate, that was not permitted to be read in evidence.

DAVID KEELY, examined by Mr. MORGAN.

Q. Did you know Lieutenant Ryan in Dillon's regiment?

A. Yes, I was servant to him, and served in Dillon's regiment.

Q. Do you remember his wife being brought to bed and where?

A. I remember Mrs. Ryan to be delivered of a son at Gravelins in France.

Q. Did the father live long after.

A. No, Sir, the Lieutenant died within two months after the birth of his boy.

Q. And what became of his wife?

A. She soon after left Gravelins, with an intent to go to Ireland.

Q. Did you go with her?

A. No, I remained with the regiment.

[Here the interpreter read the register and certificate of Gravelin in English.]

JAMES LONG, examined by Mr. PECKHAM.

Q. Did you know Michael Ryan.

A. Yes, I was servant to him thirty years ago.

Q. Do you remember a child being brought to Ryan's house?

A. I remember a woman bringing a boy to the house, who they said was a French infant.

Q. What name did that infant go by?

A. It was called Luke.

Q. Did you see it often?

A. I

A. I saw it frequently while it was an infant from the age of eighteen months to three years.

Q. Have you never seen him since?

A. Yes, once since, when I was told he was the same person. Michael Ryan took me in for charity, and I thought myself bound by gratitude to give this testimony.

CROSS EXAMINATION by the Attorney General.

Q. What trade are you, master Long?

A. A cooper.

Q. How long have you been in London?

A. About sixteen years.

Q. How old were you when you lived with Michael Ryan?

A. From about ten till about twelve.

Q. Where do you live now?

A. I live on Tower-hill.

Q. Have you a house?

A. Yes.

Q. Then you are a master cooper, I presume, Master Long?

A. No, I am but a journeyman.

Q. And pray when were you first applied to, to come here as a witness?

A. I was not applied to, I came voluntarily.

Q. Well, how long since you offered your service?

A. Two days ago.

Q. And when did you first see the prisoner?

A. I saw him first last Thursday.

Q. Pray

Q. Pray how old may you be?

A. I am about forty-four years of age.

Q. Had Michael Ryan any other children but Luke?

A. He had three daughters.

Q. But he loved Luke best, I suppose? He was fonder of the boy than the girls?

A. To be sure he was, it was natural for him.

Q. Can you inform us what became of the woman who brought the child to Ryan's?

A. No, I know nothing about her.

Q. Pray what was Mrs. Ryan's christian name?

A. I cannot tell.

Q. Not know your mistresses name! Did you never hear her husband call her?

A. I do not remember.

Q. Where did you go when you left Ryan's?

A. I went to Corke, where I served my apprenticeship, and then I came to London.

Q. And what induced you to become a witness?

A. I told what I knew to my acquaintance, the young man's father had taken me in for charity; my acquaintance all advised me to go to him.

Q. Will you name one of them?

A. One Troy and his son.

Q. And pray why did not you go sooner; you must have heard of his being in prison, from the papers?

A. I did not know it was the same person whose father had been kind to me.

Q. Where did old Ryan live?

A. At

A. At Kennure.

Q. What was the nearest town?

A. Lush.

Q. Was Lush the nearest town? *

A. There was also Skerries, but it was so long since he had been in that part of the country, that tho' he had been several times at those towns with a car and horse, yet he could not remember them particularly.

Here Mr. Peckham and Mr. Morgan, council for Ryan, closed his defence.

The Court had not put Coppinger on his defence, of course Mr. Fielding, who was his counsel, did not call witnesses.

Sir W. H. Ashhurst now gave his charge to the Jury.

He began by observing, that as there was nothing in the evidence produced upon the trial, which could materially affect Coppinger, they were to confine the evidence to the case of Ryan.

His lordship then stated the whole of the evidence fully and circumstantially, after which he observed upon it, that as to the fact of Ryan's being Captain of the Cologn privateer, that was proved, but they must exercise their judgments upon it.

The material point for their consideration, in his opinion would be, " Whether Luke Ryan was or " was not a natural born subject," and in the con-

* There are the towns of Lusk, Rush, and Skerries, near Kennure, but no such town as Lush.

consideration of this point the evidence given by Bishop required their most serious thoughts, being very material.

His Lordship thought that as no imputation lay upon the register produced by Hubert, The question was, whether Luke Ryan, the prisoner at the bar, was the Luke Ryan mentioned in the certificate of that register.

If they thought he was, then they must acquit him.

If they thought he was not, but that he was a natural born subject to the crown of this realm, then it would be their duty to find him guilty.

The Jury retired for about a quarter of an hour, and when they returned, being asked if they had agreed to their verdicts, answered yes, and their Foreman delivered them,

LUKE RYAN, Guilty---DEATH.

THOMAS COPPINGER, Not Guilty.

They retired without speaking, and it appeared that there was a detainer, upon another charge, against Coppinger, in consequence of which he was detained in custody.

Ryan was dressed in a blue coat, with scarlet lining, waistcoat and breeches. Coppinger in plain brown.

They both behaved with great decency and respect to the Court.

EDWARD

EDWARD M'CATOR otherwise WILD, NICHOLAS FIELD and EDWARD DUFFY were indicted for piratically sailing and cruising to divers maritime places and taking the goods and monies of his Majesty's subjects and hostilely attacking them in a certain ship called the *Princesse Noir*, on the 9th of October last. This crime was differently described in several different counts; to which the several culprits pleaded not guilty.

The same jurors were sworn to try them, who had tried Ryan and Coppinger.

Mr. RUNNINGTON opened the indictment by stating the charges at full, DOCTOR WYNNE stated the evidence to be adduced to the court and jury, against the different prisoners, in a fair and clear manner.

Lieutenant JOHN MEARS, examined by the Attorney General.

Q. What are you, Sir?

A. I belong to the *Ambuscade*.

Q. Did you belong to any other vessel on the 9th of October?

A. Yes; to the *Medea*.

Q. What happened on that day?

A. In the morning of that day, we saw a small vessel under us in the Lee; at twelve o'clock, in the day, we chased her, by order of our commander. At about three o'clock, we came near enough to fire at her; and we from that till evening, continued to discharge several shots at her. In the evening, Captain Duncan, luckily, by a shot, carried away

E

her

her main-mast; and she upon that haled us. Her haling not being intelligible to us, we in return called to them through a speaking trumpet. Upon being haled in return, she answered in French; and this being replied to in French, she again answered that she had already struck.

Q. What followed after this?

A. We sent a boat, in which came to us the three prisoners at the bar.

Q. What colours did the vessel carry?

A. She at first, to the best of my belief, carried American colours; but of this I am not certain: she however most certainly struck under French colours.

Q. Did the privateer fire at all in return?

A. I am sure she did; for I myself fired at her, and she returned it by firing her stern chase.

[*A bundle of papers were then thrown to the witness by the Attorney General; who then asked him:*]

Q. Did you mark those papers?

A. Yes.

Q. Who gave them to you?

A. Captain Duncan.

Q. Were any of them, and which, given to any person, and by whom, in your presence?

A. This commission was given to Captain Duncan by M^cCator, the prisoner.

Q. Had you and the prisoner any conversation?

A. Yes; when I first heard him speak, I said to him, "By your pronounciation certainly you are an Irishman."

Q. What

Q. What did he answer you ?

A. He said he was an Irishman, but that he had been naturalized in France.

Q. Did he shew you any letters of naturalization ?

A. No, he did not.

CROSS EXAMINATION by Mr. PECKHAM.

Q. Is it a practice to sail under false colours ?

A. Yes, a very common one, especially for privateers. But I believe it is held dishonourable by a man of war to fire under them.

Q. I do not ask you as to the practice, nor whether it is honourable or dishonourable ; but, whether it being the practice, there is a possibility for you to distinguish a friend from an enemy by false colours ?

A. Certainly not.

Q. Did not you fire at the ship which you afterwards captured ?

A. Yes, and they returned it by firing their stern chace.

Q. Was it not extraordinary that they should pretend to engage you ? and, if they intended hostilities, do you think they would ?

A. Our ship was very well disguised, and when they came on board M^cCartor said, they thought her a merchantman, or a letter of marque.

Q. When did you mark these papers ?

A. About a month after the capture.

Q. Why did you mark them ?

A. Because Capt. Duncan said it would be necessary to have some mark to be able to prove them by.

Q. Pray what was the name which the prisoner went by when he came aboard you?

A. He said his name was M^cCarty.

Q. Why did you suppose him not to be an American rather than an Irishman?

A. By his accent.

Q. Did you not make some observation to him, or say something as to his being better treated if he were an Irishman than if he was an American?

A. Certainly not. Capt. Duncan and I both observed to him, that by his accent he must be an Irishman.

Q. Did he make you any answer?

A. No; not at that time.

(Mr. Moret, the translator, was then called, and sworn as to the fidelity of the translation of the commission which was a commission from the French King to Mr. Edward M^cGator to arm a ship called the Black Princess, of 28 nine-pounders, besides her stern chases, and 184 men, and to cruize against, take, burn, and destroy, the ships, goods, and merchandize of his Britannic Majesty.)

Q. Mr. PECKHAM. Mr. Mears, of what force was the vessel in which you captured the Black Princess? This is only matter of curiosity.

A. The Medea had only twenty-six nine pounders, and one hundred and seventy men.

The

The ATTORNEY-GENERAL then observed to the Court, that in the roll of the crew the name of M'Cator is set down as an etranger, a foreigner.

Mr. PECKHAM to Lieutenant Mears. Did you receive this paper from M'Cator, or any of the prisoners at the bar?

A. Certainly not.

Mr. PECKHAM to the Court. Then, my Lord, with submission, I take it that this roll is no evidence?

ANTHONY ECHLIN examined by the Attorney General.

Q. How long have you known the prisoners, or either of them?

A. A great while.

Q. How long since you've known Field?

A. I knew him about three and twenty years ago.

Q. Where did you know him?

A. At a place called Puckeen's Cross.

Q. Where is that?

A. It is within about a mile and a half of Rush.

Q. Had you any particular reason for knowing him?

A. I went to school with him at Hacket's-town.

Q. How old were you when you went to school with him?

A. About seven or eight years old.

Q. How old was he?

A. About two or three years older.

Q. How long did he remain at school with you?

A. Not

A. Not long. Not above a year.

Q. Then he must have been a very quick boy to have been done school so soon! Pray how long since you saw him last?

A. About three years.

Q. Did you ever know the prisoner Duffy?

A. Yes.

Q. Where did you know him?

A. At Rush.

Q. How long since you knew him?

A. About nine or ten years ago.

Q. What was he then?

A. He was a grown up boy.

Q. How long since you have seen him last?

A. About three years ago.

Q. Was he ever a servant to the prisoner Wild?

A. Yes, he was.

CROSS EXAMINED by Mr. PECKHAM.

I said some time ago (on the trial of Ryan) that you seemed to be a good kind of a man as a witness, I think I am founded in that observation now. You went to school with the prisoner Field?

A. Yes.

Q. You likewise went to school with Ryan. Your's was a very convenient school. You have been a very convenient witness. How many more persons are you come over to prove went to school with you?

A. I don't know of any.

Q. You

Q. You don't know how many? That I do not doubt.

Mr. FIELDING. Q. You said that it is about two or three and twenty years since you was at school with the prisoner Duffy?

A. No, it was with the prisoner Field.

Q. How old are you, Sir?

A. Nine and twenty years of age.

Q. Then Duffy you say must be three and thirty; for you knew him about nine years ago, and this makes I think two and thirty.

[Here the Attorney General interfered, and told Mr. Fielding he was confounding the ages of two persons.]

JAMES FARREN. Examined by the Attorney General.

Q. Do you know any or all of the prisoners at the bar?

A. I do not know any of them.

Q. Not know any of them! Look at them again; did you never see them before?

A. I believe I saw them before in Ireland, but I cannot be certain to them.

ATTORNEY-GENERAL. Go down, and look at them better.

[The witness then went down to the dock, and looked at the prisoners, after which having returned, he was asked by the Attorney-General]

Q. Do you know them now?

A. No, they are out of my knowledge.

AT-

ATTORNEY-GENERAL. Then I hope you will not long remain in my knowledge; so take yourself off!

THOMAS GRIFFEN.

Q. Did you ever see Macarty?

A. Yes.

Q. Where did you see him?

A. At Rush.

Q. What did he do at that place? What trade was he of? I don't want you to say any thing that may criminate him; I mean, was he a sailor?

A. Yes. He used to sail from Rush.

Q. How long since you saw him last?

A. About four years.

Q. How long since you have known him?

A. I cannot tell.

Q. What age was he when you first knew him?

A. He was big enough to be put apprentice.

Sir WILLIAM O'NEILL, Baronet.

Q. Do you know any of the prisoners?

A. Yes, I know them all.

Q. Where did you know them, Sir?

A. In Rush, Sir.

Q. How long since you have known the prisoner M'Carty, Sir?

A. About ten years ago.

Q. Did you ever see the prisoner Duffy?

A. Yes, I have seen him in Rush.

Q. What

Q. What was he when you first knew him?

A. He was a young boy.

Q. Was he ever a servant to the prisoner Wild?

A. Yes, I remember him living with Wild.

Q. Do you know any thing about Field?

A. Yes, I have known him at Rush.

Q. How long since you have seen the prisoners there?

A. About three years ago.

CROSS EXAMINED by Mr. PECKHAM.

Q. What are you, pray?

A. I have a small employment at Rush.

Q. What is it?

A. I am a coast officer.

Q. Pray is Duffy a native of Rush?

A. No, he came there about nine or ten years ago.

Q. Is he a native of Ireland?

A. I do not know, but I believe he is. He follows his trade at Rush. He is a butcher.

———— MILLS sworn.

A paper was produced to him.

Q. Did you see the prisoner M'Cator sign this confession?

A. Yes.

Q. Who wrote it?

A. The Justice's clerk.

F

Q. Was

Q. Was it read to the prisoner ?

A. Yes.

Q. By whom ?

A. By the Justice's clerk.

CROSS EXAMINED by Mr. PECKHAM.

Q. Were there no hopes given to the man if he signed this confession ?

A. No.

Q. Was it not said "every thing will be well with you if you sign this confession ?"

A. No, it was not.

Q. You told the man then that he was going to sign his death warrant, I suppose ?

ATTORNEY-GENERAL. How can you conjecture before you hear the confession read, what it contains.

The confession was then read. In which M'Cator declares that he was born in Ireland, in the town of Rush, in the county of Fingal *. That he went over to France, where he entered into the service of a Mr. Tories ; that he had a commission from the French King, for the purpose of making captures ; that he had taken several prizes ; that he was going upon a second cruize when he was taken, which was on the 9th of October last.

Here the evidence for the Crown closed, and the prisoners being asked what they had to say in their defence, left it to their counsel.

* There is no such county in Ireland.

D E F E N C E.

Mr. PECKHAM. The evidence for the Crown being closed, I hope I am warranted in saying, that from the Act of Parliament, under which the prisoners at the bar have been indicted, it was impossible to convict them? The Act is Statute the 11th and 12th W. III. c. 7, which says, “ If any
 “ natural born subject commits any act of hostility
 “ upon the high seas, against others of his Majesty’s
 “ subjects, under colour of a commission from any
 “ foreign power, this shall be construed piracy.” Now I submit it to your Lordship, whether the man of war which captured them, being the first that fired, whether it can in any fair interpretation of the law, be so construed as to make that piracy which is barely self-defence.

ATTORNEY-GENERAL. Certainly the commission which was delivered up by the Captain proves the intention of committing hostilities. And it has been likewise given in evidence, that it was for the purpose of meeting merchantmen that they had waited to commit hostilities upon them. The confession too goes to prove, that it was for the purpose of taking, burning, and destroying the ships of his Majesty, that they had been armed.

Mr. JUSTICE ASHHURST. I do not think that the objection is of much force: however, I shall certainly give it to the jury to determine upon.

CHARLES COLLINS. Examined by Mr.
PECKHAM.

Q. What are you?

A. I am an American prisoner.

ATTORNEY GENERAL. How can you examine
this man? he has been committed as a rebel.

Mr. PECKHAM. Surely they are not now treat-
ed so.

ATTORNEY GENERAL. And surely you do
not mean to talk of an Act of Parliament which
was only produced into the House last Monday?
However, let his testimony be taken, and such as it
is, make such use of it as you can, reserving to my-
self my right of objection.

Mr. PECKHAM. Did any person desire M'Cator
to deny that he was an American?

A. Yes.

Q. Why so?

A. Because he would be used ill if he said he was
an American.

Q. What did M'Cator do with his American
Commission?

A. He threw it overboard for that reason.

Q. That was the cause of his making that con-
fession?

A. Yes.

Cross examined by the ATTORNEY GENERAL.

Q. Why did you, who advised M'Cator, not to
acknowledge himself an American, deliver yourself
up as one?

A. Because

A. Because I had been a prisoner in England before, and it could be proved that I was an American.

Q. How came you in a French vessel belonging to Mr. Tories?

A. Because the Captain was an American.

Q. When did you know the prisoner first?

A. In America.

Q. Were you never in Ireland?

A. No, I never was.

Q. What countryman is M'Cator?

A. An American.

Q. Why do you think so?

A. Because I knew many of his relations in America.

Q. Tell me some of them.

A. His brother Jammy M'Cator.

Q. How came his brother to have that name, which seems to be his French name? How long since you first saw M'Cator?

A. About four years ago, when I sailed with him in a privateer.

Here the Counsel for the prisoners rested their defence, upon which Sir W. A. ASHHURST gave his charge to the Jury, stating the whole of the evidence with his usual fullness and accuracy, reading even the confession of M'Cator as part of his charge.

His Lordship observed, in stating this prosecution it is declared that the act of piracy has been made by natural-born subjects, and this a fact confirmed by the written confession of the prisoner M'Cator before the Justice of the Peace.

It

If you think the prisoners natural-born subjects from the evidence laid before you, the next question for your consideration will be, whether they were cruising with an hostile intent, and whether that intent was hostile against his Majesty's subjects?

Now in considering this question, it will be material to remember, that when the prisoners first fired at the vessel which chased them, they mistook her for a merchant-man; and if this circumstance of firing and mistake has any weight, it will go to prove an hostile intention.

If you think the intention was not hostile, you will acquit them.

If you think the intention was hostile, it will then be your duty, in my opinion, to find them guilty.

The Jury, after a few minutes consideration, brought in their verdict,

EDWARD M'CATOR Guilty DEATH.

NICHOLAS FIELD, Not Guilty.

EDWARD DUFFY, Not Guilty.

JOSEPH SINDLE being called to the bar, proclamation was made that if any person had any information, &c. to lodge against him, they should now appear and make it. No person appearing, he was discharged.

NICHOLAS FIELD and EDWARD DUFFY were arraigned on a second indictment, but no person appearing to prosecute, they were ACQUITTED.

M U-

M U T I N Y.

JOHN SMITH, JOHN HOWE, THOMAS KELLY, JOHN REDDY, DENNIS PERRY, HENRY NELSON, DANIEL CASEY, MICHAEL HACKET, DENNIS KELLY, JOHN ROSELAND, and PATRICK FARREN, were indicted for mutinying and forcibly running away with the Charlotte ship of war on the 4th of August last.

JOSEPH DODD. Examined by the Attorney General.

Q. What are you, Sir?

A. I am first Lieutenant on board the Charlotte ship of war.

Q. Were the prisoners, or any of them, part of your crew?

A. They all belonged to the Charlotte.

Q. When did the Charlotte sail with them on board?

A. She sailed with them on the fourth of August last.

Q. How did the men behave?

A. They behaved very well for the first three days, but on the fourth day I was informed by one of the quarter-masters that several of the men had got into the main and fore-tops to seize the arms.

Q. What did you do upon receiving this information?

A. I

A. I informed Captain Henerick of it, who desired me to inform the officers, which I did, at the same time ordering an officer into the main and an officer into the fore-top to try if they could recover the arms.

Q. Did they recover them?

A. When the officers got into the tops the people there pretended to be asleep, but when the officers attempted to recover the arms four or five of the prisoners seized them.

Q. Can you identify those among the prisoners who laid hold of the arms?

A. No, I cannot be positive to any of them as it was dark.

Q. How did those seamen who were not in the tops behave themselves?

A. On their hearing that there was a struggle for the arms in the tops, those on the fore-castle gave three cheers, which were returned by three cheers from the main-top, and three cheers from between decks.

Q. What was done next?

A. They then turned the guns on the cabin. I asked leave to go forward, which they refused until they found I was unarmed.

Q. Did you speak to them?

A. I expostulated with them on their conduct, and asked what it was they were determined on?

Q. What answer did they make you?

A. That they were determined to return back to the port they had just quitted. They were told, upon this,

this, that the Officers would lose their lives first. To which some of them replied, they would try for that.

Q. Were they asked what was the cause of their complaint?

A. Yes, they were asked if they had any thing to object to their food, or to their Officers, and they declared they had no objection but to the bounty-money they had received.

Q. Were they armed?

A. Yes.

Q. In what manner?

A. They had armed themselves with hand-spikes, and a musket or two.

Q. Did they attempt any force?

A. About thirty or forty men attempted to get upon the quarter-deck.

Q. Could you distinguish any person particularly?

A. Yes, I could distinguish the Swede.

Q. Which is the Swede?

A. Roseland.

Q. Did you hear any thing remarkable said at this time?

A. I did. I heard a voice say, "Damn it, why don't you fire the great gun?" and at the same instant I saw the gun burn priming.

Q. Do you know in what manner the great gun was charged?

A. Yes, it was charged with a double-headed six-pound shot, and an iron crow, six feet long.

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Q. Was

Q. Was this a usual charge ?

A. No.

Q. At what part of the ship was this gun pointed ?

A. At the quarter-deck.

Q. Did they make any attack upon the quarter-deck ?

A. They made three several attacks.

Q. Who seemed to be their leader ?

A. Casey ; he looked on as Captain of the gang.

Q. How did Smith behave himself ?

A. He was very active.

Q. What did Farren do ?

A. He took the command of the steerage.

Q. Was Hacket concerned ?

A. No, he was not concerned at all.

Q. Had they the command of any guns ?

A. Yes, but the Officers had the command of as many, ready to fire upon them.

Q. Were they asked what they intended to do with the ship if they got possession of her ?

A. Yes, and they answered they intended to make to shore.

Q. Did they get a forcible possession of any part of the ship ?

A. Yes, they got possession of the quarter-deck and put one of their own party at the helm.

Q. Which of their party ?

A. I do not know.

Q. When they got possession of the helm, what did they do ?

A. They

A. They made for the shore, and endeavoured to push for Dingle, which port the master of the ship, being acquainted with, represented as dangerous, and advised them to steer for the mouth of the Shannon, which they did.

Q. Had you any words with Farren, after they got possession of the ship?

A. One day having spoken to him rather angry, he said, "Damn me, the case is altered; we now are steering for ourselves."

Q. What passed particularly on the third day?

A. A pilot boat came up with us, which was seized immediately by Smith and Kelly. A number of the men leaped on board, but on Fitz-Gerald a landsman, attempting to get on board, Smith struck him with a cutlass, and Fitz-Gerald's saying, "you should not halloo till you get through the wood" Smith answered "damn his eyes, but they would go through with it."

Q. Did they go off in the boat?

A. They did.

Q. What did the officers then do?

A. They took possession of the ship.

Q. Were the men, who went off, armed?

A. They took some arms with them.

Q. Was this mutiny any loss to the owners?

A. They lost between five and six thousand pounds by it.

CROSS EXAMINED *by Mr. FIELDING.*

Q. Pray, was not the cause of these poor men committing this outrage, your not giving them the proper bounty?

A. They had six guineas each for three months.

Q. What ship is yours?

A. She is a private ship of war.

Q. What do you mean by a private ship of war?

A. It has a commission from the King.

Q. You mean letters of marque?

A. Yes.

Q. Could not a man of war take all these men from you?

A. It would be very unhandsome.

Q. But do they not, at the same time that they use the men better, sometimes treat you thus unhandso-
mely?

A. I believe not.

Q. Was there any other cause of their violence, but their want of such bounty money as is given in his Majesty's ships, where such men are much wanted, and where it is to be wished those men had entered?

A. That was the reason given by them.

Q. Was there any violence offered to any of the officers?

A. No.

Q. This gun that was loaded so formidably, and which only burned priming; pray was there not some reason for this?

A. They

A. They had by good luck forgot to prick the cartridge.

Q. Might not what you charge to forgetfulness, have been done on purpose; and might not they have omitted to prick the cartridge, or stopped the touch-hole, so as to have only frightened you, by burning priming, without hurting you.

A. I cannot tell.

Q. What did they say?

A. That they wanted to go into port.

Q. Was there any blows or ill-usage given to any Officer?

A. No, there was not a blow given to any one.

Q. Was there any gun fired,

A. No,

JOHN FORMAN sworn. Examined by Mr.
SYLVESTER.

Q. Were you in the Queen Charlotte, on the 4th of August?

A. Yes.

Q. Tell what happened?

A. There was a mutiny.

Q. Were there any of the prisoners at the bar concerned in it?

A. Yes, all of them.

Q. How long had they possession of the ship?

A. Between two and three days.

Q. Can you point out any of them as being particularly concerned? Did Farren do any thing?

A. Yes,

A. Yes, he had a rope in his hand, with which he wakened the men, for fear of the Officers rising against them.

Q. Do you know any thing about Kelly?

A. No, not any thing.

Q. Or John Reddy?

A. Nothing.

Q. Or Dennis Parry?

A. Nothing.

Q. Or Henry Nelson?

A. He was very active.

CROSS-EXAMINED.

Q. You say you know all the prisoners at the bar to be concerned in this riot, pray what did they do?

A. I cannot tell.

Q. Were there any offers made of surrendering the ship?

A. Yes; Casey offered that if 40 or 50 were permitted to go on shore, they would give up the ship; but I heard no more about it.

CASEY the Prisoner.

Q. Did not the men drag me upon the deck against my will?

A. Yes.

Q. What did they say?

A. They said that he had begun and he must go through with it.

Q. Did

Q. Did they offer to go and fight the ship that was at anchor?

A. I believe they did. The Captain offered them 200 guineas to proceed on the cruise, or half the next prize they should take.

JOHN DAVIS examined.

Q. What are you?

A. I was Captain of marines on board the Queen Charlotte.

Q. Did you know any thing of a revolt?

A. Yes there was one in August.

Q. I shall be very short with you. Pray can you tell me, were any of the prisoners active in the riot?

A. Yes. I saw Farren, he steer'd the ship; and I therefore thought him highly confided in by the rioters.

Q. Do you know any thing of Casey?

A. Yes, I saw him between decks.

Q. Was he active?

A. Yes, extremely so; I looked on him to be the Captain of the rioters.

—— DOUGLAS examined.

Q. Was there any riot aboard the Queen Charlotte?

A. Yes.

Q. Were any of the prisoners at the bar concerned in it?

A. Yes.

Q. Which of them? Was Kelly?

A. Yes,

A. Yes, Kelly was active.

Q. Was Nelson?

A. Nelson was also active.

Q. Was Casey concerned in it?

A. Yes, he was also very active.

[Here the evidence for the prosecution closed, and the prisoners were called upon to make their defences.]

D E F E N C E.

FARREN. They have said that I was at the steerage, and that I was watching the men with a rope, lest they should be risen upon by the officers. This is false, since I could not be in two places at once.

CARY. My lord, the provisions were very bad; our ship beer was not fit to drink; the meat was such as was not fit for a dog; the water itself stunk and was unfit to use. Our owners allowed twelve guineas a man bounty money, instead of six.

The other prisoners were silent, and no witnesses were called.

Mr. JUSTICE ASHHURST recapitulated the evidence, observing to the jury that, as to Hacket, he seemed to have done nothing, him therefore they must leave out; and that as to Howe, Reddy and Kelly, there had not appeared any thing in particular against them. The Jury would therefore upon them, as they would upon the whole of the men now before them, exercise that discretion which the law gives them.

The

The jury then withdrew, and after a delay of about half an hour, returned with the following verdict.

JOHN SMITH, DANIEL CASEY, P. FARREN, Guilty, DEATH.

JOHN HOWE, THOMAS KELLY, JOHN REDDY, GEORGE PERRY, HENRY NELSON, MICHAEL HACKET, DANIEL KELLY, and JOHN ROSELAND, Not Guilty.

Mr. AKERMAN then told the Court, that the eight last were ready to enter into his Majesty's service: To which Judge Ashurst answered, that ships should be provided for them, and every thing done against the next day.

After this the Jury was discharged, and all the convicts being brought up to the bar, the Clerk of the Arraignment put the usual question severally, "What have you to say why judgment of death and execution should not be passed upon you?" and none of them moving any thing in arrest of judgment, Sir JAMES MARRIOTT proceeded to pass Sentence, which he did in the following manner:

You Luke Ryan, you Edward M'Cator, and you John Smith, Daniel Casey, and Patrick Farren, and each of you, have had a full, fair, and impartial trial; and you have after it only to receive that most awful and painful part of my situation, the sentence

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which

which the law annexes to guilt like yours. Before I pass that awful sentence, it is proper to say a word or two relative to the nature of your crimes. And you Mr. Luke Ryan and you Mr. Edward M'Cator, have, by abandoning your natural allegiance, and courting a foreign one, which you supported by piratically and hostilely boarding, cruising against, and seizing on, the property of his Majesty's liege subjects, have forsaken that protection and drawn down on yourselves that fate, which now attends on you. The spirit of the times, in which men have so much in contradiction to past experience, joined with the enemies and combated against their country, demands examples, which, it is to be wished, had been taken more early, that it might be checked. You will therefore atone shortly for your offences with your blood. I therefore recommend it to you and each of you to think of that great Being, of whom men of your profession are perhaps unfortunately too regardless, and at whose tribunal it will be of more importance to you to appear well, than at any earthly one. You John Smith, Daniel Casey, and Patrick Farren, have been found guilty of mutiny; the necessity of a due subordination is evident to all men; that necessity compels me to recommend to you to prepare for that death which you will probably undergo to atone for your guilt, and as an example to deter other men from similar crimes. It now only remains for me to say, that you Luke Ryan, you Edward M'Cator, you John Smith,

Smith, you Daniel Casey, and you Patrick Farren, shall be taken from hence to the place from whence you came, and thence to the usual place of execution, and there hanged by the neck until ye are dead; and the Lord have mercy on your souls.

The Court then adjourned to Doctor's Commons.

F I N I S.

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